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 Attorney No. 2657
 Attorney for Debtors

IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF MONTANA

In re)	Case No. 11-62349-13-RBK
)	
GERTRUDE A. ELIASON)	
)	
)	
Debtor(s).)	

AMENDED CHAPTER 13 PLAN DATED JUNE 3, 2014

1. The future earnings and other income of the debtors are submitted to the supervision and control of the Chapter 13 Standing Trustee as necessary for the execution of this plan, and Debtor has paid to the Trustee payments totaling \$14,587.90 over a period of 28 months and shall make 32 payments of \$338.00 or until all of the provisions of this Plan have been completed. Plan payments of \$338.00 shall begin in June 2014.

2. From the payments so received, the Trustee shall make disbursements as follows:

a. **ADMINISTRATIVE CLAIMS.** The Trustee shall pay those claims, fees or charges specified in 11 U.S.C. §507(a)(2), including the debtor's attorney fees and costs in such amount as may be allowed by the Court. As of the date of this plan, Debtor's counsel estimates that total attorney fees and costs for representation of Debtor (excluding the fee for filing the Debtor's petition) will be as follows.

Estimated total attorney fees:		\$3,500.00*
Estimated total costs:	+	\$500.00
Total estimated attorney fees and costs:	=	\$4,000.00
Less retainer:	-	\$1,500.00

1 TOTAL FEES AND COSTS TO BE PAID THROUGH PLAN: \$2,500.00

2 * If this figure differs from the Disclosure of Compensation originally filed by the
3 Debtor's attorney, said Disclosure must be amended simultaneously with the filing of this plan
or amended plan, as provided in F.R.B.P.2016(b).

4 b. IMPAIRED SECURED CLAIMS. After payments provided for above, the Trustee
5 shall pay allowed secured claims, as determined pursuant to 11 U.S.C. §506(a), together with
interest at the rate set forth below from the date of confirmation, on a pro rata basis, as follows:

6	<u>Name of Creditor</u>	<u>Claim Number</u>	<u>Allowed Secured Claim*</u>	<u>Rate of Interest</u>
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7 [*This figure is the lesser of the total amount of the debt owing to the creditor or the value of
8 the collateral securing said debt.]

9 Secured creditors shall retain their liens as provided by 11 U.S.C. § 1325(a)(5)(B). In
order for any unsecured deficiency to be allowed and paid, a proof of claim must be filed
pursuant to Montana's Local Bankruptcy Rules.

10 c. UNIMPAIRED SECURED CLAIMS. The following secured creditors, whose
11 claims will be left unimpaired by this plan, are not provided for by this Plan and shall receive
no payments through the Trustee except with regard to those arrearages specified below, if any:

12	<u>Name of Creditor</u>	<u>Description of Collateral</u>
13	Bank of America	Home at 321 5th Ave S

14
15 Concurrently with the payments on impaired secured claims specified above, the
16 following arrearages on unimpaired secured claims, if any, shall be paid through the Trustee on
a pro rata basis until the same have been paid in full:

17	<u>Name of Creditor</u>	<u>Amount of Arrearage</u>
18	Bank of America	\$14,144.56

19 Upon completion of the Plan, all prepetition arrearages provided for by this Plan shall
be deemed current.

20 e. PRIORITY CLAIMS. After payments provided for above, the Trustee shall pay
21 allowed claims entitled to priority in such order as specified in 11 U.S.C. §507.

1 f. GENERAL UNSECURED CLAIMS. After the payments specified above, the
2 Trustee shall pay dividends, to the extent possible, to allowed unsecured, nonpriority claims on
a pro rata basis.

3 g. LIQUIDATION ANALYSIS. The total amount distributed under paragraphs 2(e)
4 and (f) above will be at least \$ 0.00, which exceeds what would be available to pay unsecured
5 claims if the Debtor's estate was liquidated under Chapter 7 of the Bankruptcy Code. A
discharge will not be entered by the Court until said sum has been distributed, or until all
allowed unsecured claims have been paid in full, whichever is less.

6 3. REJECTION OF CONTRACTS OR LEASES. The Debtors rejects the following
7 executory contracts and unexpired leases, and shall surrender property to such contracts or
leases.

<u>Type of Agreement</u>	<u>Date of Agreement</u>	<u>Other Party to Contract</u>
NONE		

8
9
10 4. SURRENDER OF PROPERTY. The Debtors surrenders any and all interest in the
11 following described collateral to the stated secured creditor in full satisfaction of the creditor's
allowed secured claim. In order for any unsecured deficiency to be allowed and paid under this
Plan, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.

<u>Secured Creditor</u>	<u>Description of Collateral</u>
NONE	

12
13
14 5. POSTPETITION SECURED DEBT: The Debtors reserves the right to incur post-
petition secured debts, upon prior written approval of the Trustee, for items necessary to
Debtor's performance under this Plan.

15
16 6. REPORT OF CHANGES IN INCOME: The Debtors shall commit all projected
disposable income to the Plan for the applicable commitment period and shall immediately
report any changes in income in excess of \$300 per month to the Trustee.

17
18 7. OTHER PROVISIONS:

19 8. DECLARATIONS: Under penalty of perjury, Debtors affirms that all federal and
state income, employment and other tax returns due as of the date of this plan have been filed
with the appropriate agency, and that all postpetition payments due on all domestic support
obligations have been paid through the date of the Plan.

20
21 9. EFFECTS OF CONFIRMATION: Upon confirmation of this Plan, all issues that
22 have been or could have been decided involving any creditors are *res judicata*, and Debtors
reserves all rights under applicable federal and state law with regard to those issues, including
rights under 11 U.S.C. § 524(i). Debtors specifically reserves all rights under 11 U.S.C. §

524(i), including the right to ensure that all postpetition mortgage payments be applied and credited to Debtor's mortgage account as if the account were current and no prepetition default existed.

10. PREVIOUS BANKRUPTCIES, AND DISCHARGE: (Check one)

☐ Debtors is not eligible for a discharge of debts because the debtors has previously received a discharge described in 11 U.S.C. § 1328(f).

☒ Under penalty of perjury, Debtors declares the they have not received a discharge in a previous bankruptcy case that would cause them to be ineligible to receive a discharge in the above-entitled case under 11 U.S.C. § 1328(f).

11. INCOME TAX REFUNDS: (Check one)

☐ Debtors projects no income tax refunds during the term of this Plan. As a result, no income tax refunds will be turned over to the Trustee.

☒ Debtors projects income tax refunds during the term of this Plan. During the applicable commitment period of the Plan, as defined in 11 U.S.C. § 1325(b)(4), Debtors will turn over to the Trustee all net income tax refunds.

☐ Debtors projects income tax refunds during the term of this Plan, and such tax refunds are included in the Debtor's budget.

DATED this 3rd day of June, 2014.

/s/Gertrude A. Eliason

GERTRUDE A. ELIASON

CERTIFICATE OF SERVICE

I, the undersigned, Phillip R. Oliver, do hereby certify under penalty of perjury that a copy of the within and foregoing Amended Chapter 13 Dated June 3, 2014, was sent via ECF to:

Robert Drummond, Chapter 13 Trustee
PO Box 1829
Great Falls, Montana 59403

Neal Jensen
U.S. Bankruptcy Trustee
PO Box 3509
Great Falls, MT 59403

1 I, the undersigned, Phillip R. Oliver, do hereby certify under penalty of perjury that a
2 copy of the within and foregoing Amended Chapter 13 Plan Dated June 3, 2014 was sent by
3 placing first class postage prepaid on the 3rd day of June, 2014 at Billings, Montana, and
4 directed to the following:

5 Gertrude Ann Eliason
6 1100 4th Avenue S, Apt. 107
7 Glasgow, MT 59230

US Bank
PO Box 1800
Saint Paul, MN 55101

8 Montana Department of Revenue
9 Kim Davis, Bankruptcy Specialist
10 PO Box 7701
11 Helena, MT 59604-7701

Valley County Treasurer
501 Court Square, Ste 3
Glasgow, MT 59230-2405

12 IRS
13 PO Box 7346
14 Philadelphia, PA 19101-7346

15 Bank of America, NA
16 2380 Performance Dr. TX2-984-0407
17 Richardson, TX 75082

18 Discover Card Services
19 PO Box 15316
20 Wilmington, DE 19850-5316

21 OLIVER LAW FIRM

22 By: /s/Phillip R. Oliver
23 Phillip R. Oliver
Attorney for Debtor